

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4359

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ANGEL ZAMBRANO NATAREN,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. N. Carlton
Tilley, Jr., District Judge. (1:07-cr-00234-NCT-1)

Submitted: December 15, 2008

Decided: January 13, 2009

Before NIEMEYER and MICHAEL, Circuit Judges, and HAMILTON,
Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Sue Genrich Berry, BOWEN AND BERRY, PLLC, Wilmington, North
Carolina, for Appellant. Anna Mills Wagoner, United States
Attorney, Angela H. Miller, Assistant United States Attorney,
Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jose Angel Zambrano Nataren appeals his conviction and forty-one month sentence after pleading guilty pursuant to a plea agreement to unlawful reentry of a deported alien, in violation of 8 U.S.C. § 1326 (2006). Zambrano Nataren's sole argument is that the district court erred when it increased his offense level by sixteen levels pursuant to U.S. Sentencing Guidelines Manual ("USSG") § 2L1.2(b)(1)(A)(ii) (2007). Finding no error, we affirm.

Although Zambrano Nataren generally complained at sentencing that he was unhappy with his Guidelines range because it was greater than he anticipated, Zambrano Nataren filed no objections to his presentence investigation report ("PSR") and specifically informed the district court that he had no objections to the PSR. Because Zambrano Nataren did not raise his claim of error before the district court, we review for plain error. See United States v. Olano, 507 U.S. 725, 731-32 (1993).

To establish plain error, Zambrano Nataren was required to show that an error occurred, that it was plain, and that it affected his substantial rights. See id. at 732. We have reviewed the record and have considered Zambrano Nataren's arguments. We conclude that it was not error, plain or otherwise, for the district court to adopt the PSR's calculation

of Zambrano Nataren's Guidelines range and sentence him to the bottom of the properly calculated range. See United States v. Go, 517 F.3d 216, 218 (4th Cir. 2008); see also Rita v. United States, 127 S. Ct. 2456, 2462-69 (2007) (upholding presumption of reasonableness for within-Guidelines sentence).

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED